

REMARKS

This is in response to the Office Action mailed August 13, 2003. Reconsideration and allowance of the subject application are respectfully requested.

No amendments have been made to the subject application by this Amendment.

In the Office Action, the Examiner has rejected claims 1-31 under 35 USC § 103(a) as being unpatentable over the combination of Leger et al. (U.S. Patent No. 5,771,356) and Simpson, III (hereinafter "Simpson," U.S. Patent No. 6,542,941). Applicants respectfully submit that this rejection is in error.

Simpson qualifies as prior art to the subject application only pursuant to 35 USC § 102(e). The subject application was filed after the effective date of 35 USC § 103(c), and therefore, its examination is subject to the provisions of 35 USC § 103(c). At the time that the invention of the subject application was made, Simpson and the invention of the subject application were owned by or subject to an obligation of assignment to the assignee of the subject application, Intel Corporation. A separately labeled Statement to this effect is included herein, in accordance with Manual of Patent Examining Procedure § 706.02(l)(2) II. Accordingly, pursuant to 35 USC § 103(c), Simpson does not qualify as prior art that may be used to reject the subject application in an obviousness rejection under 35 USC 103.

In the Office Action, the Examiner acknowledges that Leger et al. fails to disclose features of the claimed invention, such as, "receiving a remote direct memory access (RDMA) request," among others, but relies upon Simpson as supplying these features. See Office Action, pages 3-7. However, as stated above, pursuant to 35 USC § 103(c), Simpson does not qualify as prior art that may be used to reject the subject application in an obviousness rejection under 35 USC § 103. Accordingly, in view of these acknowledged deficiencies, among others, of Leger et al. vis-à-vis the claimed invention, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness of the

claimed invention. Thus, it is respectfully submitted that the Examiner's rejection of claims 1-31 under 35 USC § 103(a) as being unpatentable over Legcr et al. in view of Simpson is in error, and should be withdrawn.

Allowance of the subject application, at an early date, is earnestly solicited.

In the event that the Examiner deems personal contact desirable in the further disposition of this case, the Examiner is invited to call the undersigned attorney at 508-865-4168.

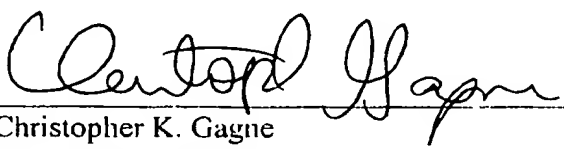
STATEMENT PURSUANT TO 35 USC § 103(C)

At the time that the invention of U.S. Patent Application Serial No. 09/576,038 was made, the subject matter of U.S. Patent No. 6,542,941 and the invention of U.S. Patent Application Serial No. 09/576,038 were owned by, or subject to an obligation of assignment to Intel Corporation.

Please charge any shortages and credit any overcharges occasioned by this submission to Deposit Account number 02-2666.

Respectfully submitted,

Date: 24 Nov 03


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

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DEREK S. WATSON

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